

UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 THE PERSON OF JAMES MURDOCK FLETCHER
 PEELE TO OBTAIN A DNA SAMPLE

Case No. 4:18-MJ-1069-KS

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
 JAMES MURDOCK FLETCHER PEELE, white male, date of birth 07/28/1999, currently held in pretrial confinement at the Craven County Detention Center, 411 Craven Street, New Bern, North Carolina 28560

located in the Eastern District of North Carolina, there is now concealed *(identify the person or describe the property to be seized)*:

A sample of JAMES MURDOCK FLETCHER PEELE's deoxyribonucleic acid (DNA) profile, to be collected by means of two (2) swabs of his saliva containing buccal cells (cheek epithelial cells).

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

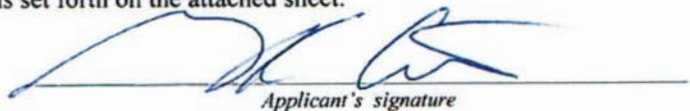
The search is related to a violation of:

Code Section	Offense Description
18 USC § 2423(a)	Transportation of a Minor
18 USC § 2241(a)	Aggravated Sexual Abuse by Force or Threat
18 USC § 2243(a)	Sexual Abuse of a Minor

The application is based on these facts:
 See Affidavit, attached hereto and incorporated as if fully restated herein.

☒ Continued on the attached sheet.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

Gregory K. Coats Special Agent
 Printed name and title

On this day, Gregory K. Coats
 appeared before me via reliable electronic means, was
 placed under oath, and attested to the contents of this
 Application for a Search Warrant.

Date: 12/3/2018

City and state: Greenville North Carolina


 Judge's signature

Kimberly A. Swank, U.S. Magistrate Judge
 Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

IN THE MATTER OF THE SEARCH
OF THE PERSON OF JAMES
MURDOCK FLETCHER PEELE TO
OBTAIN A DNA SAMPLE

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Gregory Coats, a Special Agent with Federal Bureau of Investigation, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to obtain a DNA sample from JAMES MURDOCK FLETCHER PEELE so that the sample can be compared to any DNA found on evidence recovered from the scene of a sexual assault.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since September 19, 2004. Currently I am assigned to the Greenville Resident Agency in the Charlotte Division. I am responsible for conducting a range of criminal investigations, including the investigation of crimes involving images depicting child pornography and child exploitation, as well as kidnappings, human sex trafficking crimes, and adult offenders seeking sexual contact with juveniles. During my instruction at the FBI Academy, Quantico, Virginia, I received training in a variety of investigative and legal matters, including the topics of Fourth

Amendment searches, the drafting of search warrant affidavits, and probable cause. Prior to joining the FBI, I served as Durham Police Officer with the Durham Police Department, Durham, North Carolina from approximately February 1997 through September 2004. As a Durham Police Officer I was assigned as a detective and charged with the investigation of violent sexual assaults of juveniles and adults.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

RELEVANT STATUTES

4. This investigation concerns an alleged violations of Title 18, United States Code Section 2423(a), interstate transportation of a minor with intent to engage in criminal sexual activity; Title 18, United States Code, Section 2241(a), aggravated sexual abuse by force or threat; and Title 18, United States Code, Section 2243(a), sexual abuse of a minor.

PROBABLE CAUSE

5. On Sunday, October 21, 2018, a juvenile victim¹ (VICTIM) was found missing from her home address of 107 Dare Drive, New Bern, North Carolina by VICTIM's grandmother, HELENE LACKEY. LACKEY found VICTIM's bedroom window open and a ransom note demanding \$20,000 for VICTIM's safe return. Recognizing that the VICTIM's cellular telephone was missing, LACKEY began

¹ Juvenile victim, female, date of birth XX/XX/2006.

communicating with VICTIM and the alleged kidnappers by text messages. LACKEY contacted the Craven County Sheriff's Office, New Bern, North Carolina. The Craven County Sheriff's Office requested assistance from the FBI.

6. Through investigation of VICTIM's social media accounts, the FBI identified PEELE² as the potential kidnapper. Further investigation of PEELE revealed that PEELE was a United States Army soldier stationed at Fort Bragg, North Carolina.³

7. Following a brief search, the FBI and United States Army Criminal Investigations Division located PEELE and VICTIM at PEELE's barracks at Fort Bragg. VICTIM was found by FBI agents in PEELE's bedroom. It appeared to those agents that PEELE and VICTIM had been sexually active just prior to the FBI's arrival. VICTIM began crying and stated that she had been raped by PEELE.

8. Immediately following her recovery by the FBI, VICTIM was transported to Cape Fear Valley Medical Center, Fayetteville, North Carolina where VICTIM submitted to a sexual assault forensic exam in which VICTIM's clothing, hair fibers and a sample of VICTIM's deoxyribonucleic acid (DNA) profile were collected as evidence.

9. A consent search of PEELE's Fort Bragg barracks further revealed forensic evidence indicating sexual assault, specifically blood droplets found on the

² JAMES MURDOCK FLETCHER PEELE, white male, date of birth XX/XX/1999.

³ Fort Bragg, North Carolina, is a United States Department of Defense military installation of the United States Army and is the largest military installation in the world, with more than 50,000 active duty personnel. The installation is located within Cumberland, Hoke, Harnett, and Moore counties of North Carolina.

tile floor near PEELE's bed. In addition to the blood droplets found, the FBI seized PEELE's twin mattress, his pillow, bed sheets and blanket as evidence.

10. PEELE was arrested pursuant to an arrest warrant issued by the District Court of Craven County, North Carolina, for First Degree Kidnapping for the Purpose of Facilitating a Felony and First Degree Statutory Rape. PEELE then was transported to the United States Army Criminal Investigations Division's Fort Bragg Office and was interviewed. PEELE waived his rights to have legal counsel present and agreed to speak with the FBI after waiving those rights.

11. PEELE then stated that he met VICTIM on the social media dating application Plenty of Fish in early October 2018. PEELE claimed that he believed that VICTIM was 18 year old and referred to VICTIM as his girlfriend.

12. PEELE explained that on or about Saturday, October 13, 2018, he and Zack Schoen⁴ traveled together from Fort Bragg to VICTIM's residence in New Bern, North Carolina. When they arrived, PEELE and Schoen snuck into VICTIM's bedroom through her window. Schoen stayed for a brief time, then returned to his car to wait for PEELE. PEELE stayed in VICTIM's bedroom, with VICTIM, for a while longer, then left returning to Fort Bragg with SCHOEN.

13. On Saturday, October 20, 2018, PEELE drove his blue Toyota Corolla to visit VICTIM in New Bern. Subsequent investigation confirmed that the Corolla was a 2016 Toyota Corolla, South Carolina Registration Tag PIQ-512, vehicle identification number (VIN) 2T1BURHE1GC691718.

⁴ Zack Schoen is an enlisted member of the United States Army, Military Police, stationed at Fort Bragg, North Carolina.

14. According to PEELE, he arrived at VICTIM's residence around 12:47 a.m. on Sunday, October 21, 2018. PEELE snuck in through VICTIM's window again. PEELE admitted that he and VICTIM had oral and vaginal sex in her bedroom. PEELE stated that he used a condom. According to PEELE, VICTIM told PEELE that her family did not care about her and she wanted to run away. VICTIM suggested to PEELE that they leave a ransom note so it looked like a kidnapping. PEELE admitted that he wrote the ransom note and left it on VICTIM's pillow. PEELE and VICTIM left New Bern in his blue Toyota Corolla at approximately 5:00 a.m.

15. PEELE stated that he drove VICTIM from New Bern to his parents' residence located in Chesterfield, South Carolina. PEELE and VICTIM arrived at PEELE's parents' house at approximately 9:00 a.m. PEELE stated that at approximately 9:30 a.m., he and VICTIM departed in his Toyota Corolla, from South Carolina for Fort Bragg.

16. After arriving at Fort Bragg, PEELE took VICTIM to his barracks, changed his clothes and reported for work. PEELE worked for a short time then returned to his barracks. PEELE and VICTIM then had vaginal and oral sex on his bed. PEELE stated that he did not use a condom this time. PEELE admitted to choking VICTIM during sexual intercourse. PEELE claimed that he asked VICTIM if she was okay with him choking her and she consented. PEELE asked VICTIM if he could have anal sex with her, but she refused. PEELE stated that all the sex acts that he and VICTIM engaged in were consensual.

17. PEELE admitted that he did become suspicious of VICTIM's age on Friday, October 19, 2018 when he engaged in a video on the social media internet site Snapchat with VICTIM and her friends. PEELE explained that all of VICTIM's friends looked young and were playing games that to PEELE seemed juvenile. Additionally, PEELE researched one of VICTIM's friends through social media and discovered that VICTIM's friend was twelve years old.

18. On Thursday, November 1, 2018 William Henry Peele, PEELE's father, was interviewed by the FBI. He stated that in mid-October 2018, PEELE told his father that he had a girlfriend that he described to his father as an 18-year-old from North Carolina.

19. On Sunday, October 21, 2018, between 8:30 a.m. and 9:00 a.m., PEELE and VICTIM arrived at his parents' home in Chesterfield, South Carolina, in PEELE's Toyota Corolla. PEELE introduced VICTIM to his parents and said they would accompany his parents to church. William Peele talked briefly with VICTIM about her family and living in New Bern. William Peele described VICTIM's demeanor as pleasant and responsive to questions and conversation. VICTIM did not appear to be nervous or afraid. William Peele did not notice anything about VICTIM's physical appearance that caused him to doubt that she was seventeen or eighteen years of age. Several minutes later PEELE told his father that they had to immediately return to Fort Bragg.

20. On November 6, 2018, VICTIM was interviewed at the Child Advocacy Center in Greenville, North Carolina, by an FBI Child Adolescent Forensic Interview Specialist. The affiant observed the interview.

21. During the interview, VICTIM disclosed that she had met PEELE through internet social media a few months prior to October 2018. On Sunday, October 21, 2018, PEELE visited her at her home in New Bern. After visiting for several hours VICTIM left willingly with PEELE in PEELE's Toyota Corolla. PEELE drove VICTIM to his parents' home. VICTIM believed that PEELE's parents' residence was close to Fayetteville, North Carolina. After visiting with PEELE's parents, PEELE and VICTIM traveled to Fort Bragg.

22. VICTIM explained that she stayed in PEELE's room while he went to work. Upon returning from work, VICTIM reported, PEELE began kissing her on her neck and "forced himself" on her, meaning sexual intercourse. VICTIM stated that she did not want to have sex with PEELE.

23. VICTIM stated that PEELE knew she was twelve years old and that she and PEELE had discussed their difference in age. PEELE told VICTIM that age was "man-made" and that if they want to be in a relationship, then age should not matter.

24. VICTIM's physical appearance to the affiant during the forensic interview was that of an early pubescent female, likely eleven or twelve years of age. Moreover, VICTIM's emotional maturity appeared to the affiant as that of a child.

25. Based on the foregoing, the Affiant believes that there is probable cause to conclude that PEELE committed violations of Title 18, United States Code, Section

2423(a) (transportation of a minor); Title 18, United States Code, Section 2243(a) (aggravated sexual abuse by force or threat); and Title 18 United States Code, Section 2243(a) (sexual abuse of a minor) on or about October 21, 2018. Further, there is probable cause to believe that PEELE's DNA profile will be found on VICTIM's clothing worn at the time of the assault on Fort Bragg.

CONCLUSION

26. Based on the foregoing, probable cause exists for the issuance of a search warrant to obtain a DNA sample from JAMES MURDOCK FLETCHER PEELE. The purpose of this search warrant is to compare PEELE's known DNA with DNA samples recovered from VICTIM's clothing and any other physical evidence recovered from the scene of the sexual assault.

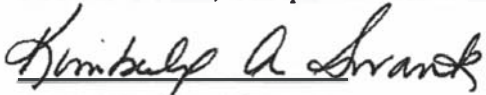
27. Wherefore, it is requested that the Court issue a search warrant authorizing agents of the FBI and/or other authorized officers, to obtain a Buccal DNA sample from JAMES MURDOCK FLETCHER PEELE.

Respectfully submitted,



Gregory K. Coats
Special Agent
Federal Bureau of Investigation

On this 3rd day of December 2018, Gregory K. Coats appeared before me via reliable means, was placed under oath, and attested to the contents of this Affidavit.



KIMBERLY A. SWANK
United States Magistrate Judge
Eastern District of North Carolina

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